

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17988 of 2022

Arising Out of PS. Case No.-27 Year-2021 Thana- KARAI PARSURAI District- Nalanda

Rama Kant Prasad Son of Late Ramdeo Prasad Resident of Village - Bahapar,
P.S. - Karai Parsurai, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhinay Raj, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 03-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Karai Parsurai P.S. Case No. 27 of 2021 lodged under Sections
341, 342, 323, 504, 506, 307, 302/120B of the Indian Penal
Code read with Section 27 of the Arms Act.

As per the allegation the present petitioner is said to
be the order giver and on his order accused Vikash Kumar has
fired, in result the deceased died on spot.

Learned counsel for the petitioner submits that from
the F.I.R. itself it transpires that there is a long pending land
disputes going on between the families of informant and the
petitioner. In support of their contents, learned counsel for the
petitioner has annexed in total 6 F.I.Rs. which has been filed

against each other bearing Karai Hilsa P.S. Case No. 165 of 1997, Karai Hilsa P.S. Case No. 26 of 2000, Karai Hilsa P.S. Case No. 136 of 2015, Karai Parsurai Case No. 26 of 2021 and Karai Parsurai P.S. Case No. 23 of 2021.

Learned counsel for the petitioner further submits that petitioner is in custody since 14.07.2021, chargesheet has already been filed, on the point of his criminal antecedent, learned counsel for the petitioner submits that the earlier case filed against the petitioner was by the wife of informant with whom a long pending land disputes are admittedly going on. Learned counsel for the petitioner further submits that co-accused namely Sudarshan Prasad, Sadan Prasad, Vivekanand have granted bail by Co-ordinate Bench of this Hon'ble Court vide order dated 12.04.2022 passed in Cr. Misc. No.56268 of 2021 and co-accused namely Dharmsheela Devi and Sita Kumari have been granted bail Co-ordinate Bench of this Hon'ble Court vide order dated 22.12.2021 passed in Cr. Misc. No.40656 of 2021.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees

Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Karai Parsurai P.S. Case No. 27 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

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(Dr. Anshuman, J.)